

Attorney Docket No.: 0160106
Application Serial No.: 10/650,655

REMARKS

This Amendment and Response is in response to the *Non-Final* Office Action of May 27, 2008, where the Examiner has rejected claims 1-4, 7-10, 13-16 and 19-22, and objected to claims 5, 6, 11, 12, 17, 18, 23 and 24. Applicant acknowledges and appreciates the Examiner's statement that claims 5, 6, 11, 12, 17, 18, 23 and 24 would be allowable if rewritten in independent form.

By the present amendment, applicant has amended claims 1, 5-7, 11-13, 17-19 and 23-24, and cancelled claims 2-4, 8-10, 14-16 and 20-22. After the present amendment, claims 1, 5-7, 11-13, 17-19 and 23-24 remain pending in the present application. An early allowance of outstanding claims 1, 5-7, 11-13, 17-19 and 23-24 in view of the following remarks is requested.

A. Rejection of Claims 1-3, 7-9, 13-15 and 19-21 under 35 USC § 102(e)

The Examiner has rejected claims 1-3, 7-9, 13-15 and 19-21, under 35 USC § 102(e), as being anticipated by Walker, et al. (US Pub. No. 2003/0193696) ("Walker").

Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended independent claims of the present application. For example, applicant has amended claim 1 to incorporate limitations similar to those of cancelled claims 2-4. Claim 1, as amended, recites "wherein each UDP packet includes a UDP header and a UDP payload, said UDP header indicates a first length of said UDP payload, each UDPTL packet has a predetermined structure, and wherein said analyzing comprises: calculating a second length of said UDP payload in accordance with said predetermined structure of said UDPTL packet; and deciding said UDP payload includes said UDPTL packet if said first length is equal to said second length."

Attorney Docket No.: 0160106
Application Serial No.: 10/650,655

In rejecting cancelled claim 4, the Examiner acknowledges that Walker fails to disclose “wherein said analyzing comprises: calculating a second length of said UDP payload in accordance with said predetermined structure of said UDPTL packet; and deciding said UDP payload includes said UDPTL packet if said first length is equal to said second length.” However, the Examiner states that these limitations are taught by Tajiri, et al. (US Pub. No. 2002/0027926) (“Tajiri”). Applicant respectfully disagrees.

It is respectfully submitted that Tajiri does not describe any more than the structure of UDPTL. Of course, applicant does not claim that the structure of UDPTL is not known in the art. However, there is no disclosure, teaching or suggestion in either Walker or Tajiri to switch from voice mode to facsimile mode as a result of calculating a second length of the UDP payload in accordance with the structure of the UDPTL packet, and then deciding that the UDP payload includes the UDPTL packet if the first length in the UDP payload is equal to the calculated second length for the purpose switching a gateway from voice mode to facsimile mode. Applicant respectfully submits that all Tajiri discloses and teaches is the known structure of a UDPTL packet, and there is no disclosure, teaching or suggestion in either Walker or Tajiri to combine the cited references in such a way recited in claim 1, as amended, for switching a gateway from voice mode to facsimile mode.

Accordingly, applicant respectfully submits that claim 1, as amended, is patentably distinguishable over the cited references and should be allowed. Further, claims 5-6 depend from claim 1, and should be allowed at least for the same reasons. Also, independent claims 7, 13 and 19 have been amended to include limitations similar to those of claim 1, as amended. Therefore, independent claims 7, 13 and 19, and their respective dependent claims 11-12, 17-18 and 23-24,

RECEIVED
CENTRAL FAX CENTER

JUN 10 2008

Attorney Docket No.: 0160106

Application Serial No.: 10/650,655

should be also allowed at least for the same reasons stated above in conjunction with patentability of claim 1, as amended.

B. Rejection of Claims 4, 10, 16 and 22 under 35 USC § 103(a)

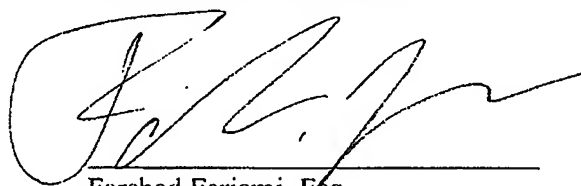
The Examiner has rejected claims 4, 10, 16 and 22, under 35 USC § 103(a), as being unpatentable over Walker in view of Tajiri.

By the present amendment, applicant has cancelled claims 4, 10, 16 and 22. Accordingly, the Examiner's rejection of claims 4, 10, 16 and 22 has been rendered moot, and also overcome in the previous section.

C. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1, 5-7, 11-13, 17-19 and 23-24 pending in the present application is respectfully requested.

Respectfully Submitted,
FARJAMI & FARJAMI LLP



Farshad Farjami, Esq.
Reg. No. 41,014

FARJAMI & FARJAMI LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, California 92691
Telephone: (949) 282-1000
Facsimile: (949) 282-1002

CERTIFICATE OF FACSIMILE TRANSMISSION

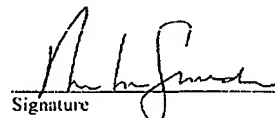
I hereby certify that this correspondence is being filed by facsimile transmission to United States Patent and Trademark Office at facsimile number (571) 273-8300, on the date stated below.

6/10/08

Date

Marc M. Sweda

Name



Signature